

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

WILLIAM D. GARLAND

PLAINTIFF

v.

Civil No. 05-5131

RANDALL DENZER; and  
SGT. FOSTER

DEFENDANTS

**ORDER**

On January 27, 2006 defendants filed a summary judgment motion (Doc. 25). To assist plaintiff in responding to the summary judgment motion, the undersigned is propounding a questionnaire. The court will consider plaintiff's response to the questionnaire in issuing a report and recommendation on the summary judgment motion.

For this reason, William D. Garland is hereby directed to complete, sign, and return the attached response to defendants' summary judgment motion on or before **May 22, 2006**. **Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.**

IT IS SO ORDERED this 20th day of March 2006.

/s/ Beverly Stites Jones

UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

WILLIAM D. GARLAND

PLAINTIFF

v.

Civil No. 05-5131

RANDALL DENZER; and  
SGT. FOSTER

DEFENDANTS

**RESPONSE TO SUMMARY JUDGMENT MOTION**

TO: WILLIAM D. GARLAND

These questions and answers will serve as your response to defendants' motion for summary judgment. You may use additional sheets of paper in responding to these questions.

You must file this response by **May 22, 2006**.

1. You were arrested and booked into the Washington County Detention Center (WCDC) on May 3, 2005, on an outstanding warrant for theft of property.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 1 at page 1.

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2. Were you incarcerated at the WCDC solely because of the pending criminal charges?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered no, please state whether you were serving a sentence or your

probation, parole, or supervised release had been revoked.

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3(A). You remained incarcerated at the WCDC until September 19, 2005.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 1 at page 32.

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(B). On September 19, 2005, you pled guilty and were sentenced to a term of probation.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 1 at page 23.

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(C). Several of the exhibits mention the Arkansas Department of Correction (ADC).

See for example Defendants' Exhibit 3 at page 1 (response to medical request form dated July 14, 2005). When during your incarceration at the WCDC were you convicted of a crime?

Answer:

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4. On July 8, 2005, you were being searched when an automatic door was opened and rolled over your hand.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 2.

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5. What time did the accident occur?

Answer:

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6. You were taken to the emergency room at Washington Regional Medical Center

for treatment of your hand at 21:26 (9:26 p.m.).

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 4.

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7. You described your pain as "aching" to emergency room personnel.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 4.

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8. You stated the maximum severity of the pain was mild and the symptoms were mild.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 4.

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9. X-rays were taken of your right hand. The x-rays showed no fracture, normal alignment, no foreign body, and no acute pathology.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 5.

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10. Physical examination of your right hand revealed no deformity, no ecchymosis, no swelling, no hematomas, full range of motion, radial pulse intact, ulner pulse intact, capillary refill less than 2 seconds, distal motor intact, distal sensory intact, and stable metacarpal phalangeal joint.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 5.

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11(A). You were diagnosed as having a contusion to your right hand.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 5.

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12. You were prescribed Ultram for pain and told to apply ice to your hand for fifteen minutes every two hours.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2 at page 5.

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13. Did you receive the prescribed medication?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered no, please explain.

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14. Were you given ice to apply to your hand?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please state how you obtained the ice, how often you asked for the ice, and whether you received the ice when you asked for it.

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If you answered no, please state whether you requested the ice.

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15. After you returned to the jail on July 8, 2005, you were moved to cell MH2.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 1 at page 31.

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16. On July 13, 2005, you submitted a medical request checking on the status of your prescription for Tramadol. You noted that your emergency room prescription was about to run out.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 1.

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17. The nurse responded on July 14, 2005. She stated that Tramadol had been ordered and had been started.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 1.

[illegible]

18. What was the Tramadol for?

Answer:

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19. When did you start receiving the Tramadol?

Answer:

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20. On July 24, 2005, you submitted another medical request form in which you stated that your hand was still swollen and you were in a lot of pain. You indicated you were almost out of Tramadol and asked what needed to be done to obtain more.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 3.

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21. Nurse Bradley responded on July 26, 2005. She stated the Tramadol would be reordered and the ADC would pay for the prescription.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 3.

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22. On August 3, 2005, you submitted a medical request stating that you would like your third Tramadol in the p.m. instead of at H.S. You also stated you wanted the nurse to look at your hand.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 5.

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23. Nurse Bradley responded on August 5th. She stated you were on the list to see the doctor and that your third dose of Tramadol had been moved to the p.m. instead of at H.S.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 5.

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24(A). What is H.S.?

Answer:

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(B). Nurse Bradley indicated you were on the list to see the doctor. Did you see the doctor?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

[illegible]

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

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sheet.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page

6.

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27. Between August 5th and August 12th, were you still getting your third dose of Tramadol at H.S.?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please explain how this was harmful to you.

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28. On August 15, 2005, you asked Nurse Bradley to help locate the medication cards for your Tramadol. You indicated the card for the third dose each day was missing.

You also asked that you be allowed to take the third dose in the p.m. instead of at H.S.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 7.

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29. On August 29, 2005, you asked to speak to Nurse Bradley regarding your medication. You also stated your hand did not seem to be improving and you would like her to look at it.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 9.

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30. Did you speak to, or were you seen by, Nurse Bradley in response to this request?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please state: (a) when you spoke to, or saw, her: and (b) what treatment, if any, you received.

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31. On September 5, 2005, you submitted a medical request asking to talk to Nurse Bradley about your medication and also asking her to look at your hand.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 10.

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32. In response, Nurse Bradley indicated she would call in refills of your medication.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3 at page 10.

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33. Did she look at your hand?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please state: (a) when you spoke to, or saw, her: and (b) what treatment, if any, you received.

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34. With respect to your claim against Sgt. Foster, please answer the following:

(A) Was Sgt. Foster present when your hand was injured?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please state what Sgt. Foster was doing and whether he was

aware your hand was injured.

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(B) Explain in detail how Sgt. Foster denied you medical care.

Answer:

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If you answered no, please explain how you believe Randall Denzer is responsible for the actions taken by Sgt. Foster or others.

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(B) Explain in detail how Randall Denzer denied you medical care.

Answer:

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If you disagree, explain.

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38. Please explain in detail how you believe a delay in your receiving medical care on July 8, 2005, injured you.

Answer:

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39. Under § 1983 a defendant can be sued in his official capacity, or his individual capacity, or both. An official capacity claim is the same as suing the governmental entity for whom the defendants work. Did you intend to sue the defendants in their individual capacities, their official capacities, or in both capacities?

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Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

[illegible]



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Detail below any further response you would like to make to defendants' summary judgment motion. If you have any exhibits you would like the court to consider, you may attach them to this response.

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I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS  
TRUE AND CORRECT.

EXECUTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2006.

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WILLIAM D. GARLAND